

**BOARD FOR GEOLOGISTS AND GEOPHYSICISTS**

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**MINUTES OF THE MEETING OF THE
BOARD FOR GEOLOGISTS AND GEOPHYSICISTS
March 24, 2006**

**2535 Capitol Oaks Drive
Sacramento, CA 95833-2926**

1. Call meeting to order

Craig Copelan, President, called the meeting to order at approximately 10:00 a.m.

2. Roll call to establish quorum

Craig A. Copelan, President

William E. Black, Vice President

Jeffrey Schmidt

Cecilia L. Yu

Others in Attendance

Paul Sweeney, Executive Officer

Christine Doering, Staff Services Analyst

Pam Hopper, Staff Services Analyst

George Dunfield, Enforcement Manager

Corrine Gray, Staff Services Analyst

Mike Luksic, Engineering Geologist

Gary Duke, Senior Legal Counsel, Department of Consumer Affairs (DCA)

Don Chang, Senior Legal Counsel, Department of Consumer Affairs (DCA)

Marcia Kiese, Association of Environmental and Engineering Geologists (AEG) Sacramento

Charles Nestle, Association of Environmental and Engineering Geologists (AEG) So. California

Tony Sawyer, Technical Advisory Committee, Chair

Mary-Alice Coleman, Attorney

Rick Rempel, Rempel Consulting Inc.

Eric Chase, Acton Mickelson/ Association of Environmental and Engineering Geologists (AEG)

David Bieber, Geocon/Association of Environmental and Engineering Geologists (AEG)

Mary Scruggs, Department of Water Resources

Bruce Hilton, Association of Environmental and Engineering Geologists (AEG) Sacramento

Robert Anderson, Association of Environmental and Engineering Geologists (AEG) Sacramento

Laura Strand, California Association of State Supervisors (ACSS)

DeLesa Swanigan, Department of Consumer Affairs (DCA)

Sarina Best, Department of Consumer Affairs (DCA)

Jacqueline Jenkins, Board for Professional Engineers and Land Surveyors (BPELS)

Cindy Fernandez, Board for Professional Engineers and Land Surveyors (BPELS)

Ignacio Lopez-Alvarez, Board for Professional Engineers and Land Surveyors (BPELS)

*The Mission of the Board for Geologists and Geophysicists is to Continuously Enhance the
Quality, Significance and Availability of Geological and Geophysical Services Offered to the People of California*

Antonette Sorrick, Department of Consumer Affairs (DCA)
Nannette Madsen, Department of Consumer Affairs (DCA)
Dr. Robert Matthews, Ph.D., Public

3. Public Comment

Mary Scruggs commented that she resigned her position in November 2000 due to the Executive Officer's lack of integrity and intimidation. She alleged that Mr. Sweeney made disparaging statements about others. She accused Mr. Sweeney of manipulation, intimidation, creating hostile environment, and fostering mistrust among staff. She alleged that Mr. Sweeney directed her to issue all citations for the maximum amount of \$2500 regardless of the infraction. Per Ms. Scruggs, Mr. Sweeney does not disseminate information to licensees. She alleged that Mr. Sweeney came back from lunch drunk one day. She commented that the EO does not act in the best interest of the public. Ms. Scruggs asked the Board to remove the Executive Officer.

Bruce Hilton stated that he participated in the Candidate Handbook workshop. Per Mr. Hilton what he witnessed was frustrating, unprofessional and poorly implemented. He alleged that participants were steered in the direction of a predetermined approach. Mr. Hilton commented that on the second day of the workshop he was met by security door and told that he was no longer wanted as a participant due to his interest in taking workshop in a direction that was not consistent with the project. Per Mr. Hilton, the workshop was guided and manipulated, and the outcome was not a collaborative process. He recommended the following to the Board: 1) remove the EO and replace with more qualified individual, 2) revisit the policy regarding degree of freedom given to the EO, and 3) convene to reevaluate the California- Specific Examination (CSE) in an objective manner.

Eric Chase commented that when he read the document "A Value Appraisal of the California Specific Examination", authored by Mr. Sweeney, in April 2005, he found it to be a rambling discourse finding fault with the CSE. Per Mr. Chase, he wrote a rebuttal to the Board in the form of an email as directed by Mr. Sweeney and had copies for the Board. Mr. Chase stated that he serves as the chair for the Sacramento section of AEG, that there have been numerous emails and phone conversations regarding the topics being discussed, and that he no longer has trust in the Board's process and policy.

Marcia Kiese commented that she has spoken before about the CSE. She expressed concern that the problem with examinees taking the CSE has to do with the curriculum in the universities. Ms. Kiese further stated that she participated in the Candidate Handbook workshop. Per Ms. Kiese the Board needs to go back and find some other way to replace the CSE, or rework it, but does not think the handbook is the way to do this.

Tony Sawyer commented that he has made presentations at the last several meetings and that he has not received a response to those comments. Per Mr. Sawyer, there is still no strategic plan, unprofessional behavior has not been addressed or resolved, and there is continued lack of notification of public and licensees and efforts to limit the input of the professional community. Mr. Sawyer compared the BGG to BPELS and alleged that the EO generates the agendas and obscures what is occurring to benefit himself.

Charles Nestle stated that two AEG members asked him to present complaints to the Board. Per Mr. Nestle, Joe Cota had previously spoken against eliminating the CSE and discussed a handbook and would like his presence and opinions reflected in the minutes. Per Mr. Nestle, Richard Gundry filed a complaint in February 2005 at which time he received a call back from the EO and requested a

written response addressing his concerns (meeting minutes, exams, etc.) Mr. Nestle commented that the response was provided thirteen (13) months later. Mr. Nestle stated that at the prior meeting he had inquired about qualifications under Section 7847. Per Mr. Nestle the qualifications must be met and the CSE passed for out of state licensees, and that grandfathering requires both ASBOG® and the CSE. Mr. Nestle commented that it he does not seem to be a coincidence that the numbers of out of state applicants under 7847 has increased just prior to Mr. Sweeney's proposal to eliminate the CSE.

David Bieber stated that he had filed a complaint with the Board about six years ago for unlicensed practice relating to naturally occurring asbestos. Per Mr. Bieber, when he asked for an update on the complaint, he was told that Ms. Scruggs had shelved the case for personal political reasons. Mr. Bieber commented that he later found out that the case had been delayed for other reasons and had been lied to by the EO with regards to what was happening.

Rick Rempel commented that he was troubled by the lack of response to the issues raised at the previous Board meetings. He stated that he hopes that there has not been any ex-parte communications going on as such would violate the open meeting act. Mr. Rempel referred to a document from March 2001 and commented that Mr. Sweeney was not keeping his agency informed of important matters having to do with other state agencies. Mr. Rempel referred to an email from Tom Crosby specifically requesting for his comments to be placed in the January 20, 2006 meeting packets. Per Mr. Rempel Mr. Sweeney does not keep promises to agency, staff or public, and such a pattern should not be embraced.

Bob Anderson stated that an Executive Director for a professional licensure Board should be a peer equivalent person or there should be a peer licensed reviewer person in order to be able to take enforcement issues if needed. Mr. Anderson stated the CSE was positive because California has visible geological hazard and practice issues. Per Mr. Anderson, as a geologist in California, people usually think you are toward the top of the geological profession because of having to deal with major issues. Mr. Anderson stated that the CSE is a major tool.

George Dunfield read some of Ms. Scruggs comments and stated that he had similar experiences with time sheets last fall and that the issue had to be elevated for handling. Mr. Dunfield stated that he echoed Mr. Bieber's comments about the case and that Ms. Scruggs did not leave her position in a shambles. Mr. Dunfield alleged that he had undergone retaliation for speaking out. Per Mr. Dunfield, he was asked a series of questions by Mr. Copelan and provided a lot of data. Mr. Dunfield commented that his attempt to coordinate with Mr. Black had been intercepted by Mr. Sweeney and mischaracterized. Mr. Dunfield stated that his position as Enforcement Manager is subordinate to Mr. Sweeney.

Roy Shlemon recommended that the Board consider a few factors in regard to a new or acting EO. In regard to technical qualifications, Mr. Shlemon stated that the EO should be a licensed PG or at least have a degree in geology. Mr. Shlemon stated that communication skills with the public, Board, and the profession are important as the EO is essentially a filter for communication. Mr. Shlemon further stated that the EO must have the confidence of the entire staff and there must be mutual trust.

4. Closed Session [Pursuant to Government Code § 11126(a)]

The open meeting was closed and the Board went into closed session at approximately 10:50 a.m.

5. Results of Closed Session

Open session was reconvened at 12:22 p.m. Mr. Copelan reported that the Board met in closed session, discussed the allegations in regard to the EO, and had decided to retain Mr. Sweeney. Mr. Copelan further reported that the Board also decided to revisit the CSE. Per Mr. Copelan a special committee comprised of himself and Mr. Black will work with Mr. Sweeney on performance issues. Mr. Copelan also reported that Board meetings and committee meetings would be kept separate.

6. Adjourn Meeting

The meeting was adjourned at approximately 12:25pm.

CRAIG A. COPELAN, P.E., BOARD PRESIDENT

PAUL SWEENEY, BOARD EXECUTIVE OFFICER

Date Approved: May 19, 2006